

(PATENT) JAN 18 2002
I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO: ASSISTANT COMMISSIONER FOR PATENTS, WASHINGTON, D.C. 20231, ON THE DATE INDICATED BELOW.

BY Cindy Chickane

DATE December 28, 2001

3745
AJM
PATENT
BOX NON-FEE AMENDMENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Patent Application of :
Haruo Kodama *et al.* : Group Art Unit: 3745
Appln. No.: 09/652,090 :
COPY OF PAPERS
ORIGINALLY FILED :
Conf. No.: 2837 : Examiner: Frank D. Lopez
Filed: August 31, 2000 :
For: HYDRAULIC DRIVE APPARATUS : Attorney Docket
: No. 9369-51US
: (T37-124467M/TH)

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RESPONSE TO ELECTION REQUIREMENT

In response to the Office Action mailed December 1, 2001 (Paper No. 10), concerning the above-identified application, the applicants make the following election.

The Examiner has indicated that the application contains claims directed to nine patentably distinct species, as identified by Fig. 1 (species I), Fig. 4 (species II), Fig. 7 (species III), Fig. 8 (species IV), Fig. 9 (species V), Fig. 11 (species VI), Fig. 12 (species VII), Fig. 13 (species VIII) and Fig. 14 (species IX).

Pursuant to 25 U.S.C. §121, the Examiner has required the applicant to elect a single species for prosecution on the merits. The Examiner admits that claims 1-4 are generic to species I, II, IV, V and VII; claims 9-11 are generic to species III, IV and V; claims 12, 15, 16 and 18 are generic to species IV and V; claims 19 and 20 are generic to species VI, VII, VIII and IX; claims 21 and 27 are generic to species VI and VII; and claims 22, 25 and 26 are generic to species VIII and IX.

In accordance with 37 C.F.R. §1.143, applicant hereby elects Fig. 1, without traverse. Claims 1-5 read on Fig. 1.

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It is noted that the Examiner did not include Figs. 2 and 3 in the species election.

It is respectfully submitted that Figs. 2 and 3 should be included with the species of Fig. 1.

It is respectfully submitted that the present application, including claims 1-36, is in condition for substantive consideration, and such action is respectfully requested.

Respectfully submitted,

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Dec. 28, 2001 By: Martin G. Belisario Reg. No. 29,546
(Date) *[Signature]*

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